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Atty. Docket No. P03306

**REMARKS**

Reconsideration of claims 1-6, 8, 10-15 and 19, and consideration of new claims 23-26 is respectfully requested. Claims 7, 9, 16 and 17 are cancelled by this Amendment. A total of eight claims are cancelled.

Applicants respectfully request that the rejection of claims 1-17 and 19 under 35 USC 112, second paragraph be withdrawn with respect to the amended claims. Claims 1, 2, 8 and 10-15 are amended to better define the invention, which, as understood by the examiner, is directed to a method of making a medical device by providing a "reaction mixture comprising a monomers/oligomer ... to which is added compounds having the instantly claimed [visible and UV absorption] properties." Official Action, page 2, last paragraph.

New claims 23-26 are supported in part by the original claims.

The rejection of claims 1-10, 12-13, 16-17 and 19 under 35 USC 102(b) as anticipated over LeBoeuf et al., U.S. 6,632,887 (the '887 Patent) is respectfully traversed with respect to the amended claims for the following reasons.

The '887 Patent describes "hydrophilic coating compositions for surgical implants, particularly ophthalmic implants comprising silicone or hydrophobic (meth)acrylic materials." Col. 1, lines 43-46. The (meth) acrylic monomers are polymerized using thermal or photo initiators. Some of the more preferred photo initiators include phosphine oxide-type (activated by blue or UV irradiation) or the Darocur-type (UV activated). Col. 2, lines 34-43. The coating compositions can also include UV absorbing compounds such as substituted benzotriazoles. The compositions can also include blue-light blocking compounds. However, as stated in the '887 patent "[i]f a blue-light activated polymerization initiator is chosen and a blue-light blocking colorant is added, the polymerization initiator identity or concentration may have to be adjusted to minimize any interference." Col. 2, lines 44-65. Evidently, the '887 Patent apparently recognizes the problem encountered by the applicants, but fails to offer any solution.

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Applicants respectfully submit that there is no teaching or suggestion in the '887 Patent to of a polymer composition that contains all of the elements of the claimed compositions. For example, there is no teaching or suggestion to include both a UV absorbing blocker (compound) and a blue-light blocker in a polymer composition, though each separately is described in the '887 Patent. Moreover, there is no teaching in the '887 to use a photoinitiator that can absorb light above 500 nm.

In addition, the examples provided in the '887 Patent do not describe a polymer composition that contains either a UV absorber, a blue blocker or a photoinitiator that can absorb light above 500 nm, let alone all three of the above in a single composition. Applicants do understand that the teachings of a particular reference are not limited to the described examples, but to the teachings of the reference as a whole. Given the entirety of the teachings, applicants submit that the '887 Patent as a whole does not teach the claimed method of making a medical device. Accordingly, applicants respectfully request that the rejection be withdrawn.

Applicants respectfully request that the rejection of claims 1-10, 12-13, 16-17 and 19 under 35 USC 103(a) as obvious over the '887 Patent be withdrawn for the reasons provided above. In particular, each and every claim recitation is not described or suggested in the '887 Patent.

The rejection of claims 1-10, 12-13, 16-17 and 19 under 35 USC 102(b) as anticipated over U.S. 5,891,931 (the '931 Patent) is respectfully traversed with respect to the amended claims for the following reasons.

The '931 Patent describes a foldable, acrylic, high refractive index ophthalmic device containing a UV absorber, which is obtained by polymerizing a monomer mixture with blue-light in the presence of a benzoylphosphine oxide photoinitiator. *See*, Abstract. The absorption spectra of benzoylphosphine oxide is show in FIG. 1 of the '931 Patent. As indicated, there is no absorption of light above 500 nm.<sup>1</sup> Accordingly, applicants request that the rejection be withdrawn.

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<sup>1</sup> The examiner comments that "it is not clear from the teachings of LeBoeuf et al. if the phosphine-oxide photoinitiators have an absorption wavelength above 500 nm." The absorption

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Applicants respectfully request that the rejection of claims 1-10, 12-13, 11-17 and 19 under 35 USC 103(a) as obvious over the '931 Patent be withdrawn for the reason provided above. All of the claimed elements are not described in the '931 Patent.

In addition, though there is a suggestion in the '931 Patent to add a blue-light absorbing compound in combination with the UV absorber, a blue-light absorber "should only be used in an amount at which they do not substantially interfere with the blue-light source's ability to activate the benzoylphosphine oxide initiator." Col. 5, lines 23-28. The '931 Patent goes on to suggest that, if a blue-light absorber is added, one possible solution would be to increase the concentration of the phosphine oxide photoinitiator. Notably, the suggestion is not to select a photo initiator that can absorb light above 500 nm. Accordingly, applicants respectfully request that the rejection be withdrawn.

The rejection of claims 1-12, 16-17 and 19 under 35 USC 102(e) as anticipated over LeBoeuf et al., U.S. 6,632,905 (the '905 Patent) is respectfully traversed with respect to the amended claims for the following reasons.

Like the '887 Patent, the '905 Patent describes hydrophilic copolymer coatings comprising 2-phenylethyl(meth)acrylate and other (meth)acrylate monomers. *See*, Abstract. Again, it is stated that "[a]ny type of polymerization initiator may be used, including thermal initiators and photoinitiators." Preferred initiators include the same benzoylphosphine oxide photoinitiator disclosed in the '931 Patent. Col. 3, lines 8-15. Also, the copolymer coating compositions can include a UV absorber, or a blue-light blocker. Col. 3, lines 42-56.

Again, the provided examples describe using the benzoylphosphine oxide (TPO).

Applicants respectfully submit that there is no teaching or suggestion to use both a UV absorber and a blue-light absorber, though each separately is described in the '905 Patent. More importantly, there is no teaching or suggestion in the '905 Patent to use a photoinitiator that can absorb light above 500 nm. Accordingly, applicants request that the rejection be withdrawn.

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spectra of FIG. 1 of the '931 Patent indicates that there is no absorption above 500 nm. Applicants attach a specification sheet of photoinitiators, which includes Darocur 4265.

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Please charge our Deposit Account No. 02-1425 under the Attorney Docket No. P03306 from which the undersigned is authorized to draw.

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Respectfully submitted,



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